



Coalition for a Sustainable Delta

January 7, 2011

VIA E-MAIL

Phil Isenberg
Chair, Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on Water Resources White Paper (December 8, 2010)

Dear Chairman Isenberg:

The Coalition for a Sustainable Delta ("Coalition") is writing to provide the Delta Stewardship Council ("Council") comments on the December 8, 2010 *"Water Resources White Paper"* ("Water White Paper"). We understand that the purpose of the Water White Paper is to describe the historical context and current conditions with respect to water resources within the State, including the development of water infrastructure and applicable legal and regulatory requirements, in order to inform the Council's development of the Delta Plan. We offer the following comments as the Council develops the comprehensive Delta Plan.

- *Page 1 of Executive Summary* (p. ES-1): The summary of factors impacting the State's water supplies and deliveries should also include environmental restrictions, which limit the deliveries of water to various users throughout the State, including the restrictions imposed on pumping from the Delta.
- *Page 1 of Executive Summary* (p. ES-1): The discussion of water infrastructure should mention the impact of the 1968 Wild and Scenic Rivers Act on development of additional water storage facilities on certain river systems.
- *Page 2 of Executive Summary* (p. ES-2): There is a statement that the State Water Project ("SWP") and Central Valley Project ("CVP") systems were "fully constructed" over the last twenty years; that is incorrect as a peripheral canal and other facilities were always part of the original plan for development of the SWP and these facilities have not yet been completed.
- *Page 2 of Executive Summary* (p. ES-2): The recent reductions in water deliveries from the Delta for species protection, in addition to increasing overdraft of groundwater basins, has increased the costs of supplemental water purchases historically used to supplement Delta water supplies.

- *Page 2 of Executive Summary* (p. ES-2): In response to reduced Delta water supplies, users in the Central Valley have taken steps to reduce consumptive use of water, and have also undertaken efforts to acquire supplemental water supplies from other sources where further reductions in water usage are not feasible.
- *Section 2 – Water Use in California* (p. 2-1): Over the last two decades, there has been a reduction in the available water supply for urban and agricultural users, particularly from the Delta; the same is not true with respect to the amount of water available for the environment, which has increased as a percentage of the available supply over that same time period.
- *Section 2 – Water Use in California* (p. 2-2): The discussion regarding water use, particularly related to precipitation and runoff, should more clearly indicate when the discussion relates to surface water and when it relates to groundwater; there are differences that are critical to understanding the issues surrounding supplies and uses.
- *Section 2 – Water Use in California* (p. 2-3): The statement “The variability of precipitation results in a mismatch between water availability and water needs” is unclear; this would be more clear if it was revised to state: “the annual variability of precipitation and the annual timing (i.e., the majority of the precipitation occurs from Nov-April and the majority of demands occur from May-Sept) result in a mismatch between water availability and water needs.”
- *Section 2 – Water Use in California* (p. 2-4): Water supply projects have been developed in the State to capture, store, and convey water not only to deal with variability between wet and dry years but also to deal with timing differences between precipitation patterns and water supply demands, as discussed in the comment above.
- *Section 2 – Water Use in California* (p. 2-13): The amount of water used for agriculture over the last four decades should be clarified; does the 38-42 million acre-feet figure refer to total water use (surface water and groundwater)? And, does this figure refer to consumptive or applied use?
- *Section 2 – Water Use in California* (p. 2-14): The CVP contractors not only lost water but also paid for certain portions of the implementation of the Central Valley Improvement Act (“CVPIA”); this should be clarified.

- *Section 2 – Water Use in California* (p. 2-14): The current biological opinions for delta smelt and salmonid species have been challenged in federal court; most recently, Judge Wanger issued a decision invalidating the biological opinion for delta smelt and has indicated in a ruling on water users' preliminary injunction motion related to the salmon biological opinion that the federal fisheries agency failed to comply with the law in issuing that biological opinion. The status of the biological opinions should be clarified within the Water White Paper and the resulting Delta Plan and the statement that these opinions "provide for improved habitat conditions" should be struck because there is an insufficient basis to support that statement in light of the fact that these biological opinions are currently subject to challenge, and with respect to delta smelt, the biological opinion has been held to be unlawful by a federal court.
- *Section 2 – Water Use in California* (p. 2-15): The discussion and summary of the flow objectives recently issued by the State Water Resources Control Board and Department of Fish and Game fails to acknowledge the many caveats in both reports, including the admittedly narrow focus of the inquiry into flows to support public trust resources in the Delta. In addition, both reports acknowledge that less flow would be necessary if other stressors on the ecosystem were addressed; this should be clarified within the Water White Paper and the resulting Delta Plan.
- *Section 2 – Water Use in California* (p. 2-17): The use of the term "climate change" to refer to variability in precipitation is confusing.
- *Section 2 – Water Use in California* (p. 2-17): In the discussion of total water use, it should be noted that water users (both agricultural and urban) fund a large portion of the water supplies allocated to environment, resulting in significant water supply reductions and a resulting increase in the price paid for the water actually received.
- *Section 3 – Water Supply Development* (p. 3-1): The discussion of water supply development in the Delta should be clarified to refer to the Sacramento and San Joaquin river systems, so it does not sound as though the statements are referring only to those two rivers, but also to all of the tributaries that flow into the Sacramento and San Joaquin Rivers.

Chairman Isenberg

January 7, 2011

Page 4

- *Section 3 – Water Supply Development* (p. 3-2): Runoff to the Delta supplies over 600 million acres of irrigated agriculture (this figure is used in the Executive Summary) – not the 700 million acres referred to on this section; this should be corrected.
- *Section 3 – Water Supply Development* (p. 3-2): The discussion of Delta water quality should include the recent research regarding the impacts of ammonia discharges from wastewater treatment plants, particularly the Sacramento plant, on the aquatic ecosystem. In addition, discussion of water quality impacts associated with urban stormwater and agricultural drainage discharges also should be included in this discussion. The focus on salinity is misplaced; while salinity may have been an historic focus, there are other water quality concerns within the Delta that should also be considered in development of the Delta Plan.
- *Section 3 – Water Supply Development* (p. 3-5): The discussion of agricultural discharges should include discussion of the lack of a long-term drainage solution for the area west of the San Joaquin River and the ongoing litigation involving this issue.
- *Section 3 – Water Supply Development* (pp. 3-6 – 3-7): The diversions upstream of the Delta from the Mokelumne and Tuolumne River watersheds should be discussed in greater detail; these Rivers eventually flow into the Delta and thus upstream diversions impact the quantity and quality of water in the Delta. Additional information about these diversions, including quantity and timing, should be included in the Delta Plan, to provide a more complete picture of the State's water resources and demands, particularly with respect to the Delta.

The Coalition appreciates the opportunity to comment on the foregoing issues. We hope that these comments are helpful as the Council embarks on preparation of the Delta Plan.

Coalition for a Sustainable Delta

A handwritten signature in black ink, appearing to read 'William D. Phillimore', with a stylized, flowing script.

By: William D. Phillimore, President